



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,078	12/29/2000	Ravindra R. Mantena	YOR920000551US1	2055

7590 12/17/2004

WAYNE F. Reinke, Esq.
HESLIN & ROTHENBERG, P.C.
5 COLUMBIA CIRCLE
ALBANY, NY 12203

EXAMINER


WORJLOH, JALATEE

ART UNIT PAPER NUMBER

3621

DATE MAILED: 12/17/2004

Please find below and/of attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/751,078	Applicant(s) MANTENA ET AL. 	
	Examiner Jalatee Worjloh	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1,14-16,29-31,44-46,59 and 60 is/are allowed.
- 6) ☒ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 2-13,17-28,32-43 and 47-58 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6-23-2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 5, 2004 has been entered.
2. Claims 1-60 have been examined.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,14-16, 29-31, 44-46, 59 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 20020016726 to Ross in view of 6249772 to Walker et al.

Referring to claims 1, 31 and 46, Ross discloses electronically receiving a sales order in a private electronic environment from a purchaser in a public electronic environment (see paragraph [0106]), and automatically returning an electronic order confirmation from the private electronic environment to the public electronic environment for providing to the purchaser, wherein the electronic order confirmation comprises order price and estimated date of deliver (see paragraph [0108]). Ross does not expressly disclose obtaining an entitled price and an

Art Unit: 3621

estimated date of delivery, within the private electronic environment while the purchaser waits or returning an electronic order confirmation comprising the entitled price. Walker et al. disclose automatically returning an electronic order confirmation from the private electronic environment to the public electronic environment for providing to the purchaser, wherein the electronic order confirmation comprises the entitled price (see col. 10, lines 10-18 and 24-34). As for obtaining an entitled price and an estimated date of delivery, this is an inherent step. That is, before providing the purchaser with an order confirmation that includes the entitled price and estimate date of delivery it must have been obtained. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Ross to include the steps of obtaining an entitled price and an estimated date of delivery, within the private electronic environment while the purchaser waits and returning an electronic order confirmation comprising the entitled price. One of ordinary skill in the art would have been motivated to do this because it ensures that the entities involved in the transaction agree with the transaction details, thereby reducing disputes.

Referring to claims 14, 15, 29, 30, 44, 45, 59 and 60, Ross discloses electronically receiving a sales order in a private electronic environment from a purchaser in a public electronic environment (see claim 1 above). Ross does not expressly disclose the sales order is a made-to-order item or an out-of stock item. However, these differences are only found in the nonfunctional descriptive material and are not functionally in the step recited. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious

Art Unit: 3621

to a person of ordinary skill in the art at the time the invention was made to receive orders of any type, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Referring to claim 16, Ross discloses means for electronically receiving a sales order in a private electronic environment from a purchaser in a public electronic environment (see paragraph [0106]), and means for automatically returning an electronic order confirmation from the private electronic environment to the public electronic environment for providing to the purchaser, wherein the electronic order confirmation comprises order price and estimated date of deliver (see paragraph [0108]). Ross does not expressly disclose means for obtaining an entitled price and an estimated date of delivery, within the private electronic environment while the purchaser waits or returning an electronic order confirmation comprising the entitled price.

Walker et al. disclose means for automatically returning an electronic order confirmation from the private electronic environment to the public electronic environment for providing to the purchaser, wherein the electronic order confirmation comprises the entitled price (see col. 10, lines 10-18 and 24-34). As for obtaining an entitled price and an estimated date of delivery, this is an inherent step. That is, before providing the purchaser with an order confirmation that includes the entitled price and estimate date of delivery it must have been obtained. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Ross to include the means for obtaining an entitled price and an estimated date of delivery, within the private electronic environment while the purchaser waits

and returning an electronic order confirmation comprising the entitled price. One of ordinary

Art Unit: 3621

skill in the art would have been motivated to do this because it ensures that the entities involved in the transaction agree with the transaction details, thereby reducing disputes.

Allowable Subject Matter

5. Claims 2-13, 17-28, 32-43 and 47-58 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims (**Specifically, the limitations of claims 2, 17, 32, and 47**).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 703-305-0057. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 for Regular/After Final Actions and 703-746-9443 for Non-Official/Draft.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/751,078

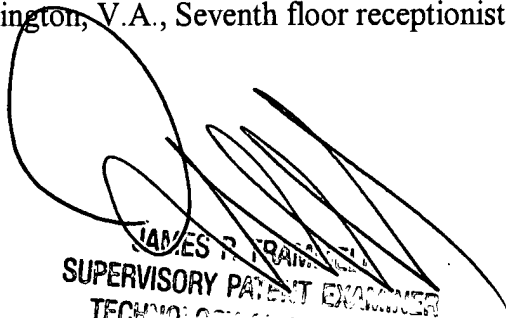
Page 6

Art Unit: 3621


Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks
PO Box 1450
Alexandria, VA 22313-1450***

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,
Arlington, V.A., Seventh floor receptionist.



**JAMES P. TRAINOR
SUPERVISORY PATENT EXAMINER
TECHNOLOGICAL SERVICES**



**Jalatee Worjloh
Patent Examiner
Art Unit 3621**

December 14, 2004